IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGTH DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11544 of 2004

Between:

A. Nageshwar Goud, S/o A. Bhagwat Goud,
r/o H.No. 40/808-H, Srinivasanagar, Kurnool.

..... PETITIONER

AND

1 The Deputy Commissioner of Proh & Excise, Kurnool, Kurnool District.
2 The Prohibition and Excise Inspector, Adoni, Kurnool District.
3 The Commissioner, Prohibition and Excise, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents for not releasing the vehicle is illegal, arbitrary and in violation of Article 21 of the Constitution of India and also direct the Respondent No.1 to release the vehicle Mahindra Mahindra Zeep No. AP09V 7641 by setting aside the proceedings of the First Respondent in Rc.No. B1/140/2004 dated 19-6-2004 and pass such other order or orders as the Court may deem fit in the circumstances of the case.

Counsel for the Petitioner:MR.V.SANKARA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following O R D E R:

This writ petition is filed by the petitioner aggrieved by the inaction of the third respondent in passing orders for releasing the vehicle by way of interim custody in favour of the petitioner, pending disposal of the appeal filed by the petitioner against the order of the first respondent.

Petitioner's vehicle was seized in connection with a case registered in Crime No.534 of 2003-2004 of Prohibition & Excise Station, Adoni. The Deputy Commissioner of Prohibition & Excise Kurnool-the first respondent after conducting an enquiry passed orders ordering confiscation of the vehicle to the State. Against which, petitioner filed an appeal before the third respondent, and the petitioner also made an application for release of the vehicle, pending disposal of the appeal. The said application was filed on 30-06-2004. Alleging that no orders have been passed by the third respondent, the petitioner has come up with the present writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

In view of the application filed before the third respondent for release of the vehicle, the writ petition is disposed of at the admission stage, directing the third respondent to pass appropriate orders on the application made by the petitioner, pending disposal of the appeal filed by the petitioner against the order of the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

08-07-2004

Note:Furnish C.C in three days

B/o

vrn

To

1 The Deputy Commissioner of Proh & Excise, Kurnool, Kurnool

District.
2 The Prohibition and Excise Inspector, Adoni, Kurnool District.
3 The Commissioner, Prohibition and Excise, Hyderabad.

4 Two C.Cs to the G.P for Prohibition & Excise, High Court Buildings,

Hyderabad (OUT)

5 Two C.D copies.